

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.5145 OF 2019

ORDER:

Pursuant to the order, dated 24.04.2019, of this Court, respondent No.4/Tahsildar, Bhongiri Mandal, Yadadri Bhongiri District, is present in the Court today.

2. This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondents in not issuing new pattadar pass books to the petitioners, though issued to others, as illegal and arbitrary, and consequently, to direct the respondents to issue new pattadar pass books in respect of the lands admeasuring Ac.2-24 guntas and Ac.5-05 ½ guntas in Survey Nos.62 and 71, respectively, in favour of petitioner No.1 and Ac.2-23 guntas and Ac.5-05 ½ guntas in Survey Nos.62/A and 71/A, respectively, in favour of petitioner No.2, situated at Bandasomaram Village, Bhuvanagiri Mandal, Yadadri Bhuvanagiri District.

3. Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue, appearing for the respondents, and perused the record.

4. Learned counsel for the petitioners would contend that the subject lands are patta lands and the petitioners inherited the same, after demise of their fathers. Therefore, the petitioners are entitled to mutation of their names in the revenue records

and issuance of new pattadar pass books in respect of the subject lands, as prayed for.

5. On the other hand, the learned Assistant Government Pleader for Revenue has placed on record an Endorsement, dated 25.04.2019, issued by respondent No.4, wherein it is stated that the Inspector, Endowments Department, Bhongir Division, vide letter, dated 18.05.2016, communicated the list of endowment lands in the Villages of Bhongir Mandal and as per the said list, the subject lands are covered under endowments lands. It is also stated that the Chief Commissioner of Land Administration, Telangana, has issued Circular No.3, vide reference No.RoR LRUP (CMRO)/342/2017, dated 24.10.2017, directing that all the endowment lands should be recorded in the name of the Deity (God) only.

6. In view of the submissions made by both sides, this Court, while exercising jurisdiction under Article 226 of the Constitution of India, cannot decide the ownership of the land i.e., whether it is a private land or endowment land. These issues are required to be determined by a competent Tribunal. Under these circumstances, no direction, as prayed for, can be given.

7. With the above observations, the Writ Petition is disposed of. It is made clear that the petitioners are entitled to workout the remedies available to them under law.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

April 29, 2019.
MD

